IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 10 OF 2006

MS. KIRAN KAMAT, MIRAMAR, PANAJI
GOA. ... Appellant

Versus

MR. MOLU VITOLA CAMOTIM,VEREM GOA. ... Respondent

Mrs. A. A. Agni, Advocate for the appellant.

Mr. M. B. D'Costa, Senior Advocate with Mr. J. A. Lobo, Advocate for the respondent.

Coram:- R. S. MOHITE, J.

Date:- 19th July, 2007

P.C.

This is an appeal preferred by the wife, impugning an Order dated 23.9.05 passed by the Court of Civil Judge, Sr. Division, Panaji in Civil Misc. Application No.102/2004/B in Matrimonial Petition No.16/04.

2. By her application, the wife had claimed a maintenance of Rs.20,000/- per month. The application was rejected on the ground that the wife was financially well supported by her father and her brothers. The Court concluded that from the stand taken by the wife in the course of the application for custody of the children indicated that she was not in need of any maintenance for up-bringing of the children or for herself. The Senior Advocate for the respondent-husband submits that assuming that the children are provided for, still for ensuring better comforts for the children, the respondent is voluntarily willing to make a payment of Rs.10,000/- per month, pending the disposal of the matrimonial petition.

3. On behalf of the petitioner-wife it is submitted that the amount will be accepted without prejudice to the contentions of the parties raised

in the petition pertaining to the quantum of maintenance and that she is willing to accept this amount as an interim maintenance.

4. In this view of the matter, the appeal from order is disposed off with the direction that pending the hearing and final disposal of Matrimonial Petition No.16/04/B, the respondent-husband will pay to the petitioner-wife an amount of Rs.10,000/- per month on or before the 10th of every month in which it becomes due. That the payment of such interim maintenance will be without prejudice to the rights and contentions of the parties in the main petition and the issue of maintenance should be independently decided on the basis of the evidence which may be led on this point by the parties. It is made clear that this order is to stand in substitution of the impugned order.

R. S. MOHITE, J.

ssm.